

COASTAL CONSERVANCY

Staff Recommendation

May 18, 2007

**EASTSHORE STATE PARK  
PLANNING AND RESTORATION PROJECTS**

File No. 03-028

Project Manager: Tom Gandesbery

**RECOMMENDED ACTION:** Authorization to disburse up to \$1,472,000 of grant funds from the Wildlife Conservation Board to the East Bay Regional Park District to restore seasonal wetlands within an area commonly known as the “Berkeley Meadow” and disburse up to \$120,000 to the California Department of Parks and Recreation for the planning and design of an area commonly known as the “Brickyard”, located at Eastshore State Park, City of Berkeley, along the shoreline of San Francisco Bay.

**LOCATION:** West end of University Ave, City of Berkeley, Alameda County  
(Exhibits 1 & 2)

**PROGRAM CATEGORY:** San Francisco Bay Area Conservancy

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**EXHIBITS**

Exhibit 1: [Area Map](#)

Exhibit 2: [Project Map](#)

Exhibit 3: [Support Letters](#)

Exhibit 4: [Environmental Documentation for the Berkeley Meadows Project](#)

Exhibit 5: [EBRPD Resolution](#)

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**RESOLUTION AND FINDINGS:**

Staff recommends that the State Coastal Conservancy adopt the following Resolution pursuant to Sections 31160-31165 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed one million four hundred seventy two thousand dollars (\$1,472,000) of funds received from the Wildlife Conservation Board to the East Bay Regional Park District (“District”) for restoration of seasonal wetlands within the area of Eastshore State Park

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commonly known as the “Berkeley Meadow” and further authorizes disbursement of an amount not to exceed one hundred twenty thousand dollars (\$120,000) to the California Department of Parks and Recreation (“State Parks”) for planning and preliminary design of the area of Eastshore State Park commonly known as the “Brickyard”. These authorizations are subject to the following conditions:

1. Prior to disbursement of any funds to the District or to the State Parks, the Executive Officer of the Conservancy shall review and approve a work program, including a budget and schedule, the names of any contractors to be hired, and a signing plan to acknowledge the Conservancy’s funding for these projects.
2. Prior to disbursement of funds for the Berkeley Meadows project, the Executive Officer of the Conservancy shall enter into a Memorandum of Understanding with the Wildlife Conservation Board describing the budget and work to be performed and providing for reimbursement of the Conservancy’s expenditures for this project.
3. Prior to initiating construction of the Berkeley Meadow project, the District shall provide written evidence to the Executive Officer of the Conservancy that all permits and approvals necessary to the implementation and completion of the project under applicable local, state, and federal laws and regulations have been obtained.
4. Conservancy funding shall be acknowledged by erecting and maintaining a sign on the property, the design and location of which has been reviewed and approved by the Executive Officer.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and criteria set forth in Chapter 4.5 (Sections 31160-31165) of Division 21 of the Public Resources Code regarding the enhancement of natural resources of the San Francisco Bay Area.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted on January 24, 2001.
3. The Conservancy has independently reviewed and considered the Initial Study and Mitigated Negative Declaration adopted by the East Bay Regional Park District on May 2004 and the *Addendum to the Final Initial Study / Mitigated Negative Declaration* adopted by the District on February 12, 2007, both documents attached as Exhibit 4A and 4B, respectively, to the accompanying staff recommendation and finds that the Berkeley Meadow project, as mitigated, avoids, reduces or mitigates any potential significant environmental effects and that there is no substantial evidence that the project will have a significant effect on the environment, as defined in 14 California Code of Regulations Section 15382.”

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### **PROJECT SUMMARY:**

Staff is recommending that the Conservancy grant funds to two agencies: the East Bay Regional Park District (“District”) and the California Department of Parks and Recreation (“State Parks”) for two projects, the “Berkeley Meadow” restoration and the “Brickyard” to further implement the Eastshore State Park (ESSP) General Plan. The land for the ESSP was acquired by State Parks and the District in 1998; the ESSP holdings are managed by the District though an operating agreement. The land west of the ESSP includes the Berkeley Marina and Cesar Chavez Park, which is owned and managed by the city of Berkeley (Exhibit 2).

#### *The Berkeley Meadow Project*

The proposed \$1,472,000 grant to the District is to assist with the completion of detailed plans, design documents and construction of wetland enhancement features for the area known as the “Berkeley Meadow”. This project will complete the third and final phase of the Meadow habitat restoration following an approach that has been successfully carried out on adjacent areas within the Meadow site (Exhibit 2). The restoration project will benefit from the proximity to a soil re-handling facility located on the Brickyard and managed by the District (See description of this project component, below). The operator has agreed to donate clean soil for use on the restoration project which will result in a net savings to the District. The exact cost of this savings cannot be calculated until the design is complete but is expected to range from \$100,000 to \$300,000.

The District has been the lead acquisition agency for the Eastshore area and is the current park operator. To date, the District has spent \$30.5 million to complete the acquisition of the private lands in the ESSP, under the terms of a Memorandum of Understanding with the State Parks. The District seeks Conservancy assistance with the restoration because its fund sources do not provide funds for restoration projects

#### *The Brickyard Project*

The proposed \$120,000 grant to State Parks is for detailed planning and preliminary design of the park in the adjacent area known as “Brickyard” (Exhibit 2). This area, over 30-acres in size, is the area within ESSP planned for the greatest concentration of recreational improvements. This work is necessary to complete the design as envisioned in the General Plan to accommodate the park’s many recreational demands, improve trail connections, and enhance shoreline access and views. The proposed work has been a high priority for both State Parks and the District as well as park advocates since the land was acquired, but to date State Parks has not been able to start the planning due to a shortage of staff funding. The proposed Conservancy grant should ensure that a detailed master site plan is completed in a timely fashion and that a major Phase I development project can be defined as a priority for subsequent funding by State Parks under its Proposition 84 bond fund appropriations. A preliminary grading plan for the area will also be developed to describe a finished condition for the site to guide soil placement by the current pri-

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fer operation that is temporarily utilizing the site. Such grading work, potentially available at no cost, would provide a benefit to future park development of several hundred thousands of dollars.

While the Brickyard area will undergo a separate planning process from the Meadow, it is anticipated that this parcel will be used for both active and passive recreation with appropriate buffers to protect wildlife and trail uses in accordance with the conceptual and General Plans developed by the Parks and the District. While the planning process is underway, existing activities located on the site, including the soil transfer facility and the delicatessen, will remain in operation.

**Site Description:** *Berkeley Meadow* is a large trapezoidal-shaped area bounded by West Frontage Road to the east, University Avenue to the south, and the North Basin and North Basin Strip to the north and Marina Boulevard to the west. The Meadow is a relatively level site that resulted from placement of fill over mudflats and open water. Since ESSP establishment in 1998, the District has completed two phases of restoration on a 16-acre portion of the site (Exhibit 2), altering the topography to create seasonal wetland depressions.

The *Brickyard* is a large irregular-shaped peninsula of bay fill located to the south of University Avenue and west of West Frontage Road (Exhibit 2). The area consists of a relatively level, rectilinear parcel formed by the intersection of the two roadways and a long slender peninsula that extends south from it. This slender portion of the peninsula is referred to as the “Brickyard Cove”, which includes the shallow open water, tidal mudflats and a sand beach. The shoreline is armored with large slabs of concrete rubble and clay bricks. The eastern edge and area around the cove is littered with old bricks, which give the area its name. The piped outfall for Strawberry Creek is located at the northwest corner of the brickyard.

**Project History:** Southern Pacific Railway acquired much of the tideland along the East Bay shoreline through public auction in the 1800s. Starting in the 1920s and continuing until the late 1960s, parts of the wetland and mudflat areas were filled by a variety of entities. Despite repeated attempts to undertake a variety of development projects, community resistance resulted in land-use stalemates lasting many years. The Coastal Conservancy led a comprehensive East Bay shoreline needs assessment in the 1980s that helped generate strong community support for the Eastshore State Park. Once the land acquisition was complete, the District, State Parks, and Conservancy began the public planning process. The Conservancy contributed \$300,000 toward this planning process which totaled over \$700,000. Eventually in 1998, the railroad interests, which had become Catellus Corporation, sold its holdings to the State and District for \$27 million.

The ESSP is a relatively new 1,800-acre park that covers eight miles of shoreline, encompassing the cities of Richmond, Albany, Berkeley, Emeryville, and Oakland (Exhibit 1). However, much of the park is tideland leaving approximately 260 acres of terrestrial land. The scarcity of land was keenly noted during the two-year-long planning process as thousands of citizens called for diverse and sometimes conflicting uses for the area. The General Plan, adopted in December

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2002, attempts to balance the public's demands and created a "recreational facility harmonious with its natural setting" as called for in the founding legislation for the park. The General Plan provides for a mix of uses from organized sports playing fields to areas set aside for habitat enhancement, environmental education, and passive recreation.

In the past, large areas of the tidelands and shoreline areas, which make up the ESSP, were owned by a combination of public and private interests. The District has worked with the State Parks, and citizen groups, such as Citizens for Eastshore Parks (CESP), for the last 15 years to acquire bay-front shoreline areas and tidelands. Land acquisition costs have totaled \$30.5 million to date.

**PROJECT FINANCING:**

*The Berkeley Meadow project:*

<b>Coastal Conservancy</b>	<b>\$1,472,000</b>
East Bay Regional Park District	\$200,000
Donated Fill	\$150,000- 300,000
<u>Subtotal</u>	<u>\$1,822,000 to 1,972,000</u>

*The Brickyard project:*

State Parks*	\$80,000
<b>Coastal Conservancy</b>	<b>\$120,000</b>
<i>Subtotal</i>	<i>\$ 200,000</i>

<b>Total Project Costs</b>	<b>\$2,022,000 to \$2,172,000</b>
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\* It is anticipated that State Parks will allocate an additional \$40,000 next fiscal year to realize a 50:50 match with the Conservancy.

Conservancy funding for the proposed disbursement of \$1,472,000 for Phase III of the Berkeley Meadow restoration project is expected to be provided under an existing grant agreement by which WCB may provide funds to the Conservancy for San Francisco Bay projects. Under the grant agreement with WCB, the Conservancy may use these funds for wetland habitat restoration projects within the nine-county San Francisco Bay Area that implement the restoration goals of the San Francisco Bay Joint Venture and the San Francisco Baylands Ecosystem Habitat Goals Report and that meet the priorities of the Conservancy as described in Section 31162 of the Public Resources Code. In addition, any proposed project must, under the WCB grant agreement, be a "high priority" project as identified in the grant agreement or otherwise authorized as a priority project by WCB in the "Memorandum of Understanding" between WCB and the Conservancy that is required before any project may move forward.

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The WCB grant funding, in turn, is derived from an appropriation from the Water Security, Clean Drinking Water, Coastal Beach Protection Fund of 2002 (Proposition 50), The Proposition 50 funds were appropriated under the specific authorization found in Section 79572(c) of the Water Code and may be used for the general purpose of acquisition, protection and restoration of coastal wetlands.

For the *Brickyard* planning work, the requested Conservancy funds are expected to come from the Conservancy's FY 05/06 appropriation from the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Fund (Proposition 40) for the San Francisco Bay Area Conservancy Program.

### **PROJECT SUPPORT:**

The expansion of ESSP has support from a wide variety of community interests, park constituents, and elected representatives. Supporters include State Assembly Representative Loni Hancock, California Department of Parks and Recreation, Citizens for Eastshore Parks, East Bay Chapter of the Sierra Club, and other individuals and citizens groups. Letters supporting the projects are attached as Exhibit 4 or will be delivered to the Conservancy meeting.

### **CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:**

These projects are undertaken pursuant to Chapter 4.5 (Sections 31160-31165) of the Conservancy's enabling legislation, Division 21 of the Public Resources Code, to address resources and recreational goals of in the San Francisco Bay Area.

Under §31162(a), the Conservancy may award grants that will "improve public access to and around the bay, coast, ridge tops, and urban open spaces . . . through completion . . . of regional bay, coast, and ridge trail systems. . . ". The proposed development of ESSP will expand trail connections to and along San Francisco Bay. Under §31162(b), the Conservancy may act to "protect, restore, and enhance natural habitats and connecting corridors, watersheds, scenic areas and other open-space resources of regional importance." This planning, design and restoration is a critical missing piece of ESSP, eight miles of shoreline that serves residents of at least five cities as well as visitors to the region; these projects will protect and enhance the existing regionally significant open space that is ESSP. Furthermore, under §31162(d), the Conservancy may "promote, assist, and enhance projects that provide open space and natural areas that are accessible to urban populations for recreational and educational purposes." Located in five highly urbanized cities and next to a major interstate, this park is one of the most accessible urban state parks.

The proposed projects also satisfy each of the five criteria for determining project priority under §31163(d) in the following respects: (1) the planning and restoration is consistent with the Eastshore State Park General Plan, East Bay Regional Park District's 1997 Master Plan, the San Francisco Bay Plan, and the City of Berkeley's Waterfront Plan; (2) the projects serve a regional need; (3) the projects will be implemented in a timely manner; (4) not restoring this property would result in the loss of a significant conservation and public recreational opportunity; and (5) matching funds from have been approved.

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### **CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed projects are consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001 in the following respects:

#### **Required Criteria**

- 1. Promotion of the Conservancy's statutory programs and purposes:** As discussed above, the proposed projects are consistent with Chapter 4.5 of Division 21 of the Public Resources Code because they will improve public access to the Bay, provide natural areas that are accessible to urban populations for recreational purposes, and protect, restore, and enhance natural habitats.
- 2. Consistency with purposes of funding source:** As discussed under the "Project Financing" section above, it is anticipated that the projects will be funded by the Conservancy's FY 0506 appropriation of Proposition 40 funds and Proposition 50 funds granted from WCB to the San Francisco Bay Area Conservancy Program. Proposition 40 funds may be used to acquire land and water resources in accordance with the Conservancy's enabling legislation. Proposition 50 funds anticipated for use for the Berkeley Meadow project will be reserved via the Conservancy's existing Memorandum of Understanding (MOU) with WCB and may be used for restoration of land and water resources, in accordance with the Conservancy's and WCB's enabling legislation
- 3. Support from the public:** The expansion of ESSP has the support of many of the park planning participants. The District has worked closely with many citizens groups to make this addition to the park possible. See Exhibit 3 for letters.
- 4. Location:** The projects lie within the eastern shore of San Francisco Bay, Alameda County, and within the San Francisco Bay Area Conservancy Program area.
- 5. Need:** To date the District and State Parks have spent \$34,000,000 on the acquisition, remediation and planning for this park. The Conservancy funding is needed to complete the last phase of restoration of the Berkeley Meadow and to start the design of the Brickyard site because this represents the final work necessary to complete the park as envisioned in the 2002 Master Plan and because the District and State Parks are very limited on funding restoration planning and construction at this time.
- 6. Greater-than-local interest:** These planning and restoration projects will greatly enhance a State Park that spans approximately eight miles of the San Francisco Bay shoreline and includes the cities of Oakland, Emeryville, Berkeley, Albany, and Richmond with an estimated combined population of well over 600,000. These projects will enable this park to better serve local residents as well as potential millions of visitors per year to the metropolitan Bay Area. Located near major freeways and other transportation routes, this park is one of the most acces-

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sible places in the Bay Area.

### Additional Criteria

- 7. Urgency:** The District and State Parks are able to assign staff to implement these projects and the District was able to negotiate a donation of needed top soil for immediate use. If the District is not able to undertake the restoration in the immediate future, the District may lose the opportunity to use the soil for the Berkeley Meadow project and to complete the final phase of the Berkeley Meadow Restoration.
- 8. Resolution of more than one issue:** Park development will protect shoreline vistas, reduce potential conflict between active recreation and environmental protection at ESSP, and expand the shoreline trail network.
- 9. Conflict resolution:** Park development will address environmental concerns raised by park planning participants regarding the lack of protection of habitat for bird species including several listed as threatened and endangered. The restoration of the Berkeley Meadow site is the outcome of a lengthy planning process that ultimately produced a consensus about areas to be developed for parks versus those set aside for habitat. Failure to carryout the vision expressed in the General Plan may create further conflict about these important planning goals.
- 10. Readiness:** The District has already restored other areas of the Berkeley Meadow and in doing so has developed experience and expertise that will streamline the design and construction process. The District has assigned staff to carryout design work and is anticipating that contracts could be let for this construction season. Planning and design of the Brickyard is a high priority for State Parks and as such it has budgeted \$80,000 of staff time for implementation, which would be matched by the Conservancy. It is anticipated that State Parks will allocate an additional \$40,000 next fiscal year to realize a 66% match with the Conservancy.
- 11. Realization of prior conservancy goals:** This section of shoreline has been a priority for Conservancy funding over the last few decades (as discussed in the “Project History” section above). The Conservancy was one of the funders of the Eastshore State Park General Plan and the Berkeley Meadows and Brickyard projects will further the goals of the General Plan as well as enhance this shoreline region.

### **CONSISTENCY WITH SAN FRANCISCO BAY PLAN:**

The improvements to Eastshore State Park Plan will help implement the policies and recommendations outlined in Maps 3 and 4 of the San Francisco Bay Plan which call for the creation of a public park in order to provide public access and protect offshore shellfish beds, develop public



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and commercial recreation areas, protect water areas and open park space, prevent freeway development west of the present shoreline.

#### **COMPLIANCE WITH CEQA:**

##### *The Brickyard Project:*

The planning and design work undertaken by State Parks is categorically exempt from the California Environmental Quality Act (CEQA) under 14 Cal. Code of Regulations Section 15262. The proposed authorization for planning and design of the Brickyard Project involves only planning for possible future actions not yet authorized or funded and the planning will include consideration of environmental factors. Staff will file a Notice of Exemption upon Conservancy approval of this project.

##### *The Berkeley Meadow Project:*

In May of 2004 State Parks adopted an Initial Study and Mitigated Negative Declaration for the Eastshore State Park restoration project (See Exhibit 4A). The District, as a responsible agency under CEQA for the restoration project, implemented two phases of the restoration project under the analysis contained within State Parks' Mitigated Negative Declaration. This District prepared an Addendum to State Parks' Mitigated Negative Declaration (See Exhibit 4B) for the third and final phase of restoration, which includes the Berkeley Meadow Project. This Addendum is an administrative reexamination of the potential project impacts identified in State Parks' Mitigated Negative Declaration adopted in 2004. The addendum identified potential impacts in the following areas: air quality (dust generation during construction); biological resources (bird breeding and nesting); geology (erosion by stormwater); hazardous materials (petroleum leaks and spills and fire prevention); water quality (soil erosion); noise (from equipment) and traffic (along perimeter roads).

All the potential impacts identified are temporary impacts due to construction activities and are mitigated in the Addendum (see pp. 5-15 of Exhibit 4B). The District prepared a mitigation monitoring and reporting plan for the potential impacts identified in the Addendum. (Exhibit 4B) The District's board of directors approved the Addendum on April 17, 2007, (Exhibit 5).

Conservancy Staff has independently reviewed the State Parks Mitigated Negative Declaration and the District's Addendum to the Mitigated Negative Declaration and concurs that the Berkeley Meadow project, as mitigated, does not have the potential for a significant effect on the environment. Staff, therefore, recommends that the Conservancy find that the project as mitigated will not have a significant effect on the environment as defined in 14 California Code of Regulations Section 15382. Upon approval, staff will file a Notice of Determination for the project.

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